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09/782,061	02/14/2001	Haruki Furusawa	401081	1852

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EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
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2174

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DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/782,061

Applicant(s)

FURUSAWA ET AL.

Examiner

Thanh T. Vu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-14 have been renumbered 15-27.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 22-27 are dependent on a missing claim. These claims could not be treated over prior art. The dependency of these claims must be changed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15, 17, and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Nguyen (U.S. Pat. No. 6,256,033).

Per claim 15, Nguyen teaches a portable apparatus comprising:

inputting means for inputting operation information (fig. 2 and 3; col. 6, lines 13-19);

transmitting means for transmitting the operation information input by the inputting means to a central processing unit (fig. 1; col. 7, lines 20-30);

receiving means for receiving a remote controller control instruction corresponding to the operation information in cases where the central processing unit refers to a data base in which a plurality of remote controller control instructions are stored, and sends back the remote controller control instruction corresponding to the operation information (col. 7, lines 10-38); and

control means for controlling an operated apparatus according to the remote controller control instruction received by the receiving means (col. 6, lines 30-36; col. 7, lines 39-58).

Per claim 17, Nguyen teaches the portable apparatus according to claim 15, wherein a moving picture indicating a gesture of a user is input as the operation information to the inputting means (col. 6, lines 13-20; col. 12, lines 30-34).

Per claim 20, Nguyen teaches the portable apparatus according to claim 15, wherein an external power measured by an acceleration sensor is input as the operation information to the inputting means (col. 6, lines 21-23; col. 12, lines 34-37).

Per claim 21, Nguyen teaches the portable apparatus according to claim 15, wherein environment information measured by an environment sensor is input as the operation information to the inputting means (col. 5, lines 59-67; col. 6, lines 13-19).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (U.S. Pat. No. 6,256,033) in view of Muthusamy et al ("Muthusamy", U.S. Pat. No. 6,310,629).

Per claim 16, Nguyen teaches the portable apparatus according to claim 15, but does not teach a voice emitted from a user is input as the operation information to the inputting means. However, Muthusamy teaches a voice emitted from a user is input as the operation information to the inputting means (col. 2, lines 37-44; col. 3, lines 3-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Muthusamy in the invention of Nguyen because it provides users more flexibility in performing the type of function that a computer is programmed to do through speech recognition.

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (U.S. Pat. No. 6,256,033) in view of Dupouy (U.S. Pat. No. 6,057,845).

Per claims 18 and 19, Nguyen teaches the portable apparatus according to claim 15, but does not teach wherein one of a letter and a symbol written by a user and wherein code

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information indicating one of letters and symbols is input as the operation information to the inputting means. However, Dupouy teaches wherein one of a letter and a symbol written by a user and wherein code information indicating one of letters and symbols is input as the operation information to the inputting means (fig. 4d and 7c; col. 2, lines 27-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Dupouy in the invention of Nguyen because it provides users more flexibility in performing the type of function that a computer is programmed to do through gesture recognition such as characters, symbols or any creation by the user.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Segal et al. (U.S. Pat. No. 6,396,523) discloses home entertainment device remote control.

Huang et al (U.S. Pat. No. 6,437,836) discloses extended functionally remote control system and method.

Nakano et al. (U.S. Pat. No. 5,901,366) discloses program selection method and apparatus using cordless telephone set.

Freeny, JR. (U.S. 2002/01884575) discloses advanced wireless phone system.

Lee et al. (U.S. Pat. No. 5,545,875) discloses remote control method and apparatus.

***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (703)-308-9119. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Vu  
03/17/04

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